

Attorney Docket No. 09792909-5085

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:

Ryusuke Sawatari

Application No. 09/897,172


Filed: **July 2, 2001**

For: DEVICE FOR DISPLAYING LINK
INFORMATION AND METHOD FOR
DISPLAYING THE SAME

) Group Art Unit: 2174

) Examiner: **Mylinh T. Tran**

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) 2005.

) 
) Antonietta Musto

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TRANSMITTAL OF APPELLANT'S APPEAL BRIEF

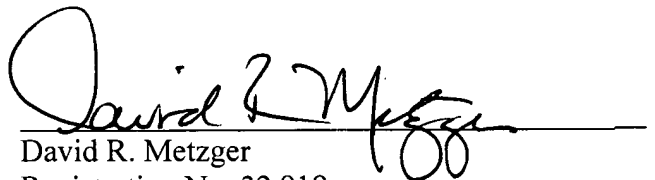
Enclosed in triplicate is Appellant's Appeal Brief for the above-referenced United States Patent Application. Appellant believes that the Brief is in full compliance with 37 C.F.R. §1.192(c). Enclosed is the fee of \$500.00 for the filing of this Brief.

This Appeal is hereby submitted within two months of the date the Notice of Appeal was received in the United States Patent and Trademark Office. It is not believed that any additional extensions of time or additional fees are required, however, Applicant hereby petitions for any such extensions of time found to be required and the Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to Account No. 19-3140. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: January 4, 2005

By:

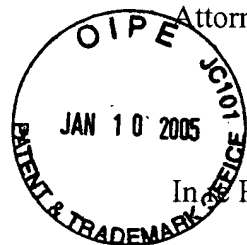


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APPELLANT'S BRIEF ON APPEAL

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.192, Appellant herewith submits this Brief in support of the Appeal for the above-referenced application.

I. REAL PARTY IN INTEREST

The real party in interest in the present appeal is the Assignee, Sony Corporation, a Japanese Corporation. The Assignment was recorded in the U.S. Patent and Trademark Office at Reel 012434, Frame 0444.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and no related interferences.

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III. STATUS OF CLAIMS

Claims 1-18 are pending in this application. The present Appeal is directed to claims 1-18 which were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over MacPhail (U.S. Patent No. 6,597,377) and Murphy, et al. (U.S. Patent No. 6,282,362) in an Office Action dated June 4, 2004.

IV. STATUS OF AMENDMENTS

Enclosed with the present Appeal are amendments to claim 4 and claim 18 to make them consistent with the previously filed amendments to claim 1 and claim 12.

V. SUMMARY OF INVENTION

The present invention is directed to a link information display device for displaying link information transmitted by a link information transmitter. (Page 8, lines 13-18)The link information display device obtains a video signal of real space. An imaging device that images the image signal of an actual object may be used to obtain the video signal. An image signal reproducing device for reproducing the image signal stored onto an image recording medium also may be used to obtain the video signal. (Page 14, lines 7-14)

The link information display device receives the link information, which includes link content information and link position information. (Page 9, lines 2-5). The link position information includes virtual space position information. (Page 9, lines 18-19). The link information display device determines a display position of the link content information on the basis of the link position information. The link information display device detects attribute information from the received link information. (Page 9, lines 13-17). When the link

information transmitter transmits pieces of link information, the link information display device selects predetermined link information in accordance with the detected attribute information. (Page 12, lines 18-20). The link information display device detects link position information from the received link information. The link information display device detects the position of the transmitter in accordance with the received link information. (Page 11, lines 7-13).

The link information display device determines a display position to display a link in accordance with the link position information. The display position may be determined by calculating a display position to display a link in accordance with the link position information and the position of the transmitter. (Page 11, lines 7-13). When pieces of link information are displayed, these pieces of link information are lined up and displayed at predetermined positions on the display screen. (Page 13, lines 6-13).

The link information display device superimposes the link content information onto the video signal, and displays the superimposed video signal. (Page 14, line 24 through Page 15, line 11). The link information display device may store the superimposed image signal. (Page 15, lines 12-14).

VI. ISSUES

The issue on Appeal is as follows:

Whether claims 1-19 are obvious in view of MacPhail and Murphy, et al.

VII. GROUPING OF CLAIMS

Based on the rejection set forth by the Examiner, claims 1-18 stand or fall together. Appellant, however, reserves the right to pursue the claims separately in any continuation application.

VIII. ARGUMENT

Claims 1-18 are patentable over MacPhail even in view of Murphy, et al.

A. The Claimed Invention

Claim 1 claims a link information display device for displaying link information transmitted by a link information transmitter, comprising: video input means for obtaining video signal of real space; receiving means for receiving said link information comprising link content information and link position information with said link position information being virtual space position information; display position determining means for determining a display position of said link content information on the basis of said link position information; superimposing means for superimposing said link content information onto said video signal; and display means for displaying said superimposed video image signal.

Claims 2-11 depend from claim 1.

Claim 12 claims a link information display method for displaying link information transmitted by a link information transmitter, comprising the steps of: obtaining a video signal; receiving said link information, said link information comprising link content information and link position information with said link position information being virtual space position information; determining a display position of said link content information on the basis of said link position information; superimposing said received link content information on said video signal; and displaying the video signal superimposed with said link information.

Claims 13-18 depend from claim 12.

B. The Rejection

In the Final Office Action, claims 1-18 were rejected under 35 U.S.C. § 103(a) as being obvious in view of MacPhail and Murphy, et al., although the Examiner distinguished MacPhail

from the claimed invention based on MacPhail's lack of link position information, video input means for obtaining video signal of real space and display position determining means for determining the display position of link content information. The Examiner posited that it would have been clear to one of ordinary skill in the art to combine Murphy, et al. and MacPhail to modify the link content information to include the display position of the display link on the display means in accordance with the link position information for the purpose of displaying the link information superimposed on the image signal of the actual object. In response, the Appellant noted that MacPhail does not disclose the use of link position information as claimed, nor is the link position virtual space information. Appellant further noted that Murphy et al. does not account for virtual space relations. In the Advisory Action, the Examiner cited to column 5, line 50 through column 6, line 31 of MacPhail for support that superimposing link content into the image signal is disclosed and column 6, lines 12-60 of Murphy, et al. to show disclosure of virtual space and the link position information and video input means for obtaining video signal of real space.

C. Claims 1-18 Are Not Obvious in View of MacPhail and Murphy, et al.

The Examiner admits that MacPhail fails to disclose or suggest link position information, video input means for obtaining video signal of real space and display position determining means for determining a display position of the link content information on the basis of the link position information.

Murphy, et al. discloses a method and system for capturing, storing and retrieving image data. (See col. 1, lines 10-11.) In Murphy, et al., a map 250 displays map features 290 such as streets, building outlines, text and other structures. (See col. 10, lines 30-32.) The map also includes icons 260, 270, 280 which are located on the map 250 to correspond to the location of corresponding images 230, 240 at the time the images were recorded. (See col. 10, lines 28-30

and 27-40.) Each icon activates a hyper-media link between the geographical location of the icon on the map and the associated multi-media entity, image, audio stream, or feature data represented. (See col. 10, lines 47-50.) The selected data is then retrieved from the stored data file and displayed or played on the appropriate reproducing device: the viewer 200 in the case of visual image data; or the audio transducer 202 in the case of audio stream data. (See col. 10, lines 50-54.) In Murphy, et al., the first image 230 is associated with the first icon 260 and the second image 240 is associated with the second icon 270. (See col. 10, lines 35-37.) Murphy, et al. does not discuss the placement of the images 230, 240 on the viewer 200. Thus, contrary to the Examiner's statement, Murphy, et al. does not disclose or suggest determining a display position of the link content information on the basis of the link position information, as required by claims 1 and 12.

In view of the foregoing, it is submitted that claims 1-18 are patentable and the application is in condition for allowance. Notice to that effect is requested.

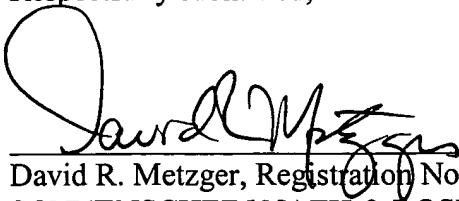
D. Conclusion

Appellant respectfully submits that the subject matter of the claims on appeal is not found or suggested by MacPhail and Murphy, et al. Thus, the Examiner has not made an adequate showing of anticipation or obviousness with respect to the subject matter of the rejected claims. Appellants, therefore, respectfully request reversal of the Examiner's decision to reject claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over MacPhail in view of Murphy, et al., and respectfully request allowance of all pending claims.

Respectfully submitted,

Dated: January 4, 2005

By: _____



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IX. APPENDIX

1. (Previously Presented) A link information display device for displaying link information transmitted by a link information transmitter, comprising:

video input means for obtaining a video signal of real space;

receiving means for receiving said link information comprising link content information and link position information with said link position information being virtual space position information;

display position determining means for determining a display position of said link content information on the basis of said link position information;

superimposing means for superimposing said link content information onto said video signal; and

display means for displaying said superimposed video signal.

2. (Original) The link information display device according to claim 1, wherein said image input means comprises an imaging device for imaging the image signal of an actual object.

3. (Original) The link information display device according to claim 1, wherein said image input means comprises an image signal reproducing device for reproducing the image signal stored onto an image recording medium.

4. (Currently Amended) The link information display device according to claim 1, further comprising storing means for storing said synthesized image signal.

5. (Original) The link information display device according to claim 1, comprising attribute information detection means for detecting attribute information from said received link information.

6. (Original) The link information display device according to claim 5, comprising selection means for, when said link information transmitter transmits a plurality of pieces of link information, selecting predetermined link information in accordance with the attribute information detected by said attribute information detection means.

7. (Original) The link information display device according to claim 1, comprising link position detection means for detecting link position information from said received link information.

8. (Original) The link information display device according to claim 1, comprising transmitting position detection means for detecting the position of said transmitter in accordance with said received link information.

9. (Original) The link information display device according to claim 7, comprising coordinate conversion means for determining a display position to display a link on said display means in accordance with said link position information.

10. (Original) The link information display device according to claim 9, wherein said coordinate conversion means calculates a display position to display a link on said display means in accordance with said link position information and the position of said transmitter.

11. (Original) The link information display device according to claim 1, wherein when a plurality of pieces of link information are displayed, said display means lines up and displays these pieces of link information at predetermined positions on the display screen.

12. (Previously Presented) A link information display method for displaying link information transmitted by a link information transmitter, comprising the steps of:

- obtaining a video signal;
- receiving said link information, said link information comprising link content information and link position information with said link position information being virtual space position information;
- determining a display position of said link content information on the basis of said link position information;
- superimposing said received link content information on said video signal; and
- displaying the video signal superimposed with said link information.

13. (Original) The link information display method according to claim 12, comprising a step of detecting attribute information from said received link information.

14. (Original) The link information display method according to claim 13, comprising a step of, when said link information transmitter transmits a plurality of pieces of link information, selecting predetermined link information in accordance with said attribute information.

15. (Original) The link information display method according to claim 12, comprising a step of detecting link position information from said received link information.

16. (Original) The link information display method according to claim 15, comprising a step of determining a position to superimpose said link on said image signal in accordance with said detected link position information.

17. (Original) The link information display method according to claim 12, comprising a step of, when a plurality of pieces of link information are transmitted, lining up and displaying a plurality of pieces of the received link information in predetermined positions on the screen to display said image signal.

18. (Original) The link information display method according to claim 12, comprising a step of storing the video signal superimposed with said link information.

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